

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
KENNETH J. MURPHY
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DARLINGTON AMADASU
Plaintiff

CASE NO. C-1-01-0284
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIV CINCINNATI

V.

(Dlott/Sherman)

HEALTH ALLIANCE OF GREATER .
OF CINCINNATI, INC., et al
Defendants

PLAINTIFF'S OBJECTIONS TO
DISTRICT JUDGE'S ORDER
MOTION FOR RELIEF FROM ORDER

Denied
Sherman
12/10/03

Plaintiff objects to the District Judge's Order entered 10/1/03 because the order is not supported by record evidence. Plaintiff hereby requests that the said order be vacated and set aside and grant the relief sought in Doc. 56.

The order deprives plaintiff his right to obtain information, materials and document relevant to prosecute his case.

Because the said order abets, aids and acquiesces in the Magistrate's purposeful misrepresentations that work fraud upon the court, Plaintiff now seeks relief from Order pursuant to FRCP 60.

FRCP 72, mandates the district judge to conduct a *de novo* determination of the issues by reviewing the entire record related to those portions of the order but where as here, the district judge merely recites the Rule 72 and simply rubber stamp the Magistrate's misrepresentations without reviewing the record evidence to see whether the magistrate's report is supported by evidence.

The District judge should not have affirmed the Magistrate's ruling that defendants have already responded to the entire discovery to which plaintiff is entitled because it is unsupported by the evidence in the record

The Magistrate's ruling that defendants have already responded to all of the discovery to which plaintiff is entitled is grossly untrue and constitutes wild, generalized conclusion unsupported by any scintilla of evidence to the record. The Magistrate failed to identify with specificity and particularity number, nature and type of responses purportedly given by defendants and or obtained by plaintiff. The defendants, in their untimely non probative opposition paper (doc. 36) and protective order motion (doc. 37), did not assert that they have given plaintiff or plaintiff has obtained any discovery requests